

## **MINUTES**

### **PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, JULY 20, 2006, 10:00 A.M. CITY HALL 8<sup>TH</sup> FLOOR – COMMISSION CONFERENCE ROOM**

#### **Members Present:**

Peter R. Partington, City Engineer  
Tony Irvine, City Surveyor  
Sharon Miller, Assistant City Attorney III, substituting for Robert Dunckel  
Carol Ingold Mordas, Parks Supervisor  
James Cromar, Planner III  
Tom Terrell, Public Works Maintenance Manager  
Mark Darmanin, Utilities Distribution and Collections Manager, substituting for Julie Leonard

#### **Staff Present:**

Victor Volpi, Senior Real Estate Officer  
Miguel Arroyo, Water and Wastewater Treatment Manager  
Craig Canning, Water Facilities Manager  
Barbara Howell, Contracts and Special Projects Administrator  
Ella Parker, Planner II  
Jolie Reed, Administrative Assistant I  
Eileen Furedi, Clerk II

#### **Guests Present:**

Rick Malone  
Steve Salzano  
Steve Tilbrook  
Brent Leiter

Peter Partington called the meeting at 10:10 a.m. and stated this is a Committee with the responsibility of advising the City Manager and City Commission on matters connected with City property and public right-of-way.

#### **ITEM ONE:                    APPROVAL OF JUNE 20, 2006 MINUTES**

**MOTION BY MARK DARMANIN TO APPROVE MINUTES. SECONDED BY CAROL INGOLD MORDAS.**

**MOTION PASSED UNANIMOUSLY.**

**ITEM TWO:**                    **VACATION OF EASEMENT**

Address or General Location: 6401 NE 21 Road

ITEM WITHDRAWN PERMANENTLY.

**ITEM THREE:**                    **VACATION OF EASEMENT**

Address or General Location: alley between Birch Road and A1A, and Bayshore Drive and Riomar Street

Victor Volpi introduced item stating that Steve Tilbrook would like your positive recommendation to vacate certain easements in block 9 of "Birch Ocean Estates" for the Carpi Resorts Development. He said this is a continuation of the last meeting that took place on June 15, 2006, wherein Mr. Tilbrook was asked to supply the instruments of conveyance. Victor Volpi introduced Mr. Tilbrook.

Mr. Tilbrook said the site plan was approved in 2003 and the project is currently under construction. Mr. Tilbrook said the proposal was for a vacation of a utility easement that goes back to the original conveyance and did not show up on the survey because it was not part of the platt. Mr. Tilbrook said the original application included utilities from A1A to Birch Road, there were two existing utility poles on lots 4 and 5; therefore, the easements on lots 4, 5, 18 and 19 have been eliminated from the vacation. Mr. Tilbrook said the application included the consent from all applicable utilities for the rest of the easement and they have signed instruments of revoking their easements. Mr. Tilbrook said he plans to go before the DRC and the City Commission.

Victor Volpi said Bob Dunckel has reviewed and accepted the instruments provided by the applicant.

**MOTION BY TONY IRVINE TO RECOMMEND APPROVAL OF THE VACATION AS REQUESTED, CONDITIONED UPON SIGN OFF BY THE CITY ATTORNEY'S OFFICE AS TO THE DOCUMENTS OF CONVEYANCE. SECONDED BY CAROL INGOLD MORDAS.**

**MOTION PASSED UNANIMOUSLY.**

**ITEM FOUR:**                    **EXTENSION OF LEASE**

Address or General Location: 4330 NE 22 Avenue

ITEM WITHDRAWN.

**ITEM FIVE:**                    **TEMPORARY CLOSURE OF STREETS**

Address or General Location: 12 SE 7 Street

Victor Volpi introduced item stating that Seawood Builders would like your positive recommendation to temporarily close SE 7 & 8 Streets at Andrews Avenue, and SE 2 Avenue - alternating Saturdays, to

pour the floors of this new development (8 story office complex). Victor Volpi introduced Rick Malone and Steve Salzano with Seawood Builders.

Mr. Malone said there has been a revision on the closure. Mr. Malone explained that they could not pour on Saturdays and would have to pour during the week at various times.

Discussion followed as to the street closures, time schedule, businesses in the area, and setbacks due to the rain.

Mr. Malone said there would be a 13-day turnaround. Mr. Malone explained that they could be ready on a Tuesday and would have to wait until the following Saturday to pour the deck, causing the sub contractors to be at a stand still until Saturday came. Mr. Malone explained that the pour would be once a week for 18 pours, each pour would be 1 day, 9 pours on 7 Street and 9 pours on 8 Street, one street closed at a time (for 1 week). Mr. Malone added that the pump would not reach across the building; therefore, only  $\frac{1}{2}$  of the building could be poured at a time. Mr. Malone said he would know one week ahead of time as to the day/road to be closed. Peter Partington asked if part of the road could be left open. Mr. Malone said no, the pump truck (outrigger) extends from sidewalk to sidewalk.

Peter Partington said the City is getting more vigilant about closing roadways for construction of buildings.

Tony Irvine pointed out that the pump could have been on the site for part of the pour. Tony Irvine said he would like to see a schedule for the road closures. Mr. Malone said there is a schedule, but rain and/or unforeseen situations could affect the pour.

Discussion followed as to traffic near the courthouse, the hiring of a police officer to be at the site, and the idea of pouring on private property instead of City right-of-way.

Tom Terrell arrived at 10:36 a. m.

James Cromar said he would like to see additional graphics showing traffic circulation, if this item were to come back to the Property and Right-of-Way (PROW) for review.

Discussion followed as to a MOT for 7 Street, closing  $\frac{1}{2}$  of 7 Street at a time and closing 7 Street on Saturdays, the noise ordinance, and the idea of deferring this item until the applicant came back to the PROW with a plan.

Mr. Malone said there is a second floor pour pending off of 8 Street.

Peter Partington said road closures take six weeks to two months to process, as they are done by legal instrument. Tony Irvine said the City Commission has been concerned about the negative impact that construction has had on the residents.

**MOTION BY PETER PARTINGTON TO RECOMMEND APPROVAL OF THE LANE CLOSURE ON 8 STREET FOR UP TO 20 TIMES, WITH 48 HOURS NOTICE TO THE POLICE, AND THAT A POLICE OFFICER SHOULD BE AT THE SITE WHILE THE CLOSURE IS IN PLACE, AND EACH CLOSURE WOULD BE NO MORE THAN 18 HOURS, SUBJECT TO SIGN OFF OF A MOT PERMIT, AND THE CITY ATTORNEY'S OFFICE SHOULD DETERMINE IF A REVOCABLE**

**LICENSE WOULD BE NECESSARY, AND WORKING THROUGH THOSE ISSUES IF ONE WAS REQUIRED.**

Peter Partington asked Victor Volpi to ask the City Attorney if a revocable license would be necessary.

**SECONDED BY TONY IRVINE.**

**MOTION AMENDED BY TONY IRVINE FOR THE COMMITTEE TO RECOMMEND TO THE CITY MANAGER THAT HE APPROVE A ONE TIME ONLY (48 HOUR) CLOSURE OF 8 STREET, TO ALLOW THE FIRST POUR TO TAKE PLACE.**

Peter Partington said if the motion passed, Tony Irvine should e mail him with the request referenced above.

Sharon Miller arrived at 10:50 a. m.

Peter Partington stated that the applicant would be working under a revocable license, but if determined that a license was not required, they may need 48-hour approvals from the City Manager's Office.

**SECONDED BY PETER PARTINGTON.**

**MOTION PASSED UNANIMOUSLY.**

**ITEM SIX:**                    **VACATION OF EASMENT**

Address or General Location: 1781 NW 48 Court

Victor Volpi introduced item stating that Salene Levin, Agent for the owner would like your positive recommendation to vacate a 6-foot platted easement running through the middle of the property located at 1781 NW 48 Court. He said there is a house and pool built over this easement and the property owner is fairly certain that the City is not using this easement for any public purpose.

Mr. Levin was not at the Property and Right-of-Way (PROW) meeting. Victor Volpi explained that this was a lighting easement.

Discussion followed as to the area that would be vacated and the platt was reviewed by Sharon Miller.

**MOTION BY MARK DARMANIN TO APPROVE THE VACATION AS REQUESTED. SECONDED BY TOM TERRELL.**

**MOTION PASSED UNANIMOUSLY.**

**ITEM SEVEN:**                    **STAGING PERMIT**

Address or General Location: 704 NW 1 Avenue and 706 NW 1 Avenue

Victor Volpi introduced item stating that Barbara Howell would like your positive recommendation to approve a staging permit for the vacant lot at NW 7 Street and NW 1 Avenue. He said Ordinance C-02-13 requires this Committee to review all staging permits. Victor Volpi introduced Barbara Howell.

Barbara Howell explained that at the May 18, 2006 PROW meeting, the Committee approved a temporary staging area of two lots at this location, and recommended securing a third lot to be added to the location, and removing the gate and entrance on NW 1 Avenue. Barbara Howell stated that this permit application was for the addition of the third lot. Barbara Howell explained that Construction Managers have been working with the contractor to maintain the site, as per code and have been keeping the trucks on NW 1 Avenue to a minimum. Barbara Howell said Commissioner Rodstrom had several questions during the 30-day call up period, which were addressed and resolved to her satisfaction.

Tony Irvine complimented Barbara Howell on her back up material that was submitted to the Committee, and pointed out that Attachment B, "Construction Staging Area" displays the material and how the staging area would be used.

**MOTION BY TONY IRVINE TO APPROVE THE STAGING PERMIT AS REQUESTED. SECONDED BY CAROL INGOLD MORDAS.**

**MOTION PASSED UNANIMOUSLY.**

**ITEM EIGHT:           SURPLUS PROPERTY**

Address or General Location: north side of Davie Boulevard, approximately 1000 feet west of State Road 7

Victor Volpi introduced item stating that at the September 16, 2005 PROW meeting, the Committee deferred this item until a Phase I – Environmental Study could be done. He said at the April 20, 2006 PROW meeting, Phase I was presented and did not show any adverse conditions. He said it was suggested that a Phase II study be done and the item was deferred again. Victor Volpi said Phase II is complete and Ed Udvardy, Assistant Public Works Director, has requested that the item be returned to PROW for recommendation to sell to the highest bidder. Victor Volpi introduced Craig Canning and Miguel Arroyo.

Tony Irvine asked Craig Canning for a proper description and added that he could not get a price for a survey until he had one and suggested title work. Sharon Miller added that a survey would be required to appraise the property. Victor Volpi said he requested title work April 13, 2006, which should be arriving soon.

**MOTION BY MARK DARMANIN THAT THE PROPOSED PROPERTY BE SURPLUSSED AS REQUESTED AND SOLD TO THE HIGHEST BIDDER. SECONDED BY TONY IRVINE.**

James Cromar said the City of Plantation/CRA recently addressed this issue and had some concepts as to what they would like to see occur in the area.

Discussion followed as to the City imposing conditions on the sale, the possibility of Plantation having a civic use for the property, the idea of a land swap, zoning issues, and requesting approval from the City Commission to surplus the property.

Tony Irvine suggested that Victor Volpi forward copies of the survey/appraisal to the City of Plantation and advise them of the City's plans to surplus.

**MOTION AMENDED BY JAMES CROMAR THAT STAFF INFORM THE CITY OF PLANTATION OF THE CITY'S PLANS TO SURPLUS THIS PROPERTY. SECONDED BY MARK DARMANIN.**

**MOTION PASSED UNANIMOUSLY.**

**ITEM NINE:                    NEW POLICY DECISION OF NOT ALLOWING VACATION OF ALLEYS**

Address or General Location: no specific address

ITEM WITHDRAWN BY BOB DUNCKEL.

**ITEM TEN:                    VACATION OF EASEMENT**

Address or General Location: 2151 SW 23 Terrace

Victor Volpi introduced item stating that Barbara Howell would like your positive recommendation to vacate an anchor easement. He said WaterWorks 2011 is going to "swap" another parcel with the owner of the property (Richard and Sheila Banach), which is better suited for their needs. Victor Volpi introduced Barbara Howell.

Victor Volpi explained that the anchor easement was in a resident's driveway and they would like to put it off to the side. Barbara Howell said presently the light pole and guy wire, which would normally be in the anchor easement, is on the eastern side of the resident's property.

Peter Partington asked why the City was involved. Barbara Howell said during the design of the sewer for the area, the pump station panel was originally located on the edge of the right-of-way, at the west end of the cul-de-sac. Barbara Howell said after further review and discussion with local residents, it was determined the area was considered visibly unpleasing and could be a potential safety hazard. Barbara Howell said an agreement with the property owner of 2151 SW 23 Terrace was arrived at, which included vacating the existing anchor easement in the driveway and accepting a new utility easement for the new PS panel at their west property line.

Peter Partington summed up the discussion stating that this was an issue of negotiating where equipment was going to be on an existing easement and the property owner wanted it to be placed somewhere else. Peter Partington stated that this was Stage 1, vacating the existing easement. Peter Partington asked why they did not travel together. Barbara Howell stated that she believed the process was different.

**MOTION BY SHARON MILLER TO APPROVE THE VACATION AS REQUESTED, CONDITIONED UPON THE CITY RECEIVING A NEW EASEMENT. SECONDED BY TONY IRVINE.**

Peter Partington asked what an anchor easement was. Tony Irvine explained that it was power poles in the right-of-way and the guy wire would be put back on the property. Peter Partington asked if the guy wire could only be put back into that easement. Tony Irvine said yes. Barbara Howell said the pump station panel was not being designed to be in that easement, as it was only an anchor easement and in the driveway.

**MOTION PASSED UNANIMOUSLY.**

**ITEM ELEVEN: DEDICATION OF RIGHT-OF-WAY TO BROWARD COUNTY**

Address or General Location: west side of SW 42 Avenue, south of Peters Road, Unincorporated Broward County

Victor Volpi introduced item stating that on August 15, 2002, the PROW Committee recommended and eventually the City Commission approved the long-term lease of City owned property at Davie Boulevard (Extended) and SW 42 Avenue, for the purpose of constructing and maintaining the new Pine Ridge Alternative Center. He said Broward County is requiring that the School Board dedicate a portion of the site as right-of-way, therefore, the School Board is requesting that of the City. Victor Volpi introduced Alice Shapiro.

Discussion followed as to the City owning the land and leasing the property to the Broward County School Board.

Mark Darmanin said the Utilities Division has suggested that the request not be approved, as there are wells located at the Peele Dixie Water Plant. Craig Canning said he sees a problem with the request as well, because there are plans to add an additional 6,000,000 or 7,000,000 gallons of water from a different aquifer, and currently do not know where we are going to sink those wells. Craig Canning said the parcel at which the well is currently located is fairly far away from the other wells in the south wellfield. Craig Canning said it may come to a point where the City would have to locate those wells 2, 000 or 3, 000 feet from each other, and that particular site would become very valuable as a site where the City could put a well. Craig Canning said this is right over the City central distribution piping.

Discussion followed as to the approximate size of the parcel being 20-feet wide.

Mark Darmanin said the back up information indicates that Broward County wants to build a turning lane and sidewalk, the City would have setback rules for the wellheads, and there would be other issues, as well.

Sharon Miller asked if anyone reviewed the lease and its terms. Craig Canning said he thought he remembered the initial lease request to be 20 years, and then changed to 10 years. Victor Volpi said he did not believe that there were any provisions in the lease. Victor Volpi said he believed the City would have to sign off as joinder and consent.

Discussion followed as to the various reasons why Broward County may be requesting the dedication, and the idea of meeting with the appropriate parties at Broward County to discuss those issues and/or the possibility of Broward County altering their plans.

Craig Canning said the request seems to be in addition to what was already at the school for entrance and egress. Sharon Miller asked about the leasehold area. Craig Canning said it would be part of the leasehold area, but was in addition to what has already been granted. Tony Irvine said he believed that the City's water supply should be protected.

**MOTION BY TONY IRVINE TO APPROVE THE APPLICATION, AND FOR THE CITY TO GRANT THE ADDITIONAL EASEMENT. SECONDED BY MARK DARMANIN.**

**MOTION FAILED UNANIMOUSLY.**

Meeting adjourned at 11:20 a. m.